



PLANNING BOARD MINUTES
DECEMBER 14, 2021
6:00 PM
REGULAR MEETING and PUBLIC HEARING
VIA ZOOM WITH
MEETING ID 899-857-7726 PASSWORD: TREMONT

1 **CALL TO ORDER**

Planning Board Chair Mark Good called the December 14, 2021 meeting to order at 6:01 pm.

2 **ROLL CALL**

Present were: Mark Good (Chair), Lawson Wulsin (Vice Chair) and Planning Board Members; Beth Gott, Brett Witham and Geoff Young.

Also present were: Code Enforcement Officer/LPI John Larson, Selectboard Members; Jamie Thurlow and Kevin Buck, Members of the Public and Press, and Recording Secretary Jan Sprague.

3 A. **EXCUSED ABSENCES**

NONE

B. **UNEXCUSED ABSENCES**

NONE

4 **ADJUSTMENT / ADOPTION OF THE AGENDA**

No changes were made to the Agenda.

5 A. **MINUTES FOR NOVEMBER 9, 2021**

MOTION by Mr. Young to amend the minutes of November 9, 2021, (Item 6.C.) as prepared, to reflect his suggested request to approach the Selectmen for whether we can have an attorney or a consultant appear at our meetings to help us through the campground and moratorium issues.

Second by Mr. Wulsin.

The motion passed 4-1-0.

The motion passed with Mr. Good, Ms. Gott, Mr. Wulsin and Mr. Young in favor, and Mr. Witham opposed.



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Amendment:

6.C. **CAMPGROUND MORATORIUM – ORDINANCE CHANGES DISCUSSION
SUMMARY OF THE OUTCOME OF THE CAMPGROUND MORATORIUM ORDINANCE
AND DISCUSSION ON NEXT STEPS FOR THE ORDINANCE.**

No action was taken.

amended to:

**CAMPGROUND MORATORIUM – ORDINANCE CHANGES DISCUSSION
SUMMARY OF THE OUTCOME OF THE CAMPGROUND MORATORIUM ORDINANCE
AND DISCUSSION ON NEXT STEPS FOR THE ORDINANCE.**

Discussion was held on next steps for the ordinance. A suggested request was made by Mr. Young to approach the Selectmen for whether we can have an attorney or a consultant appear at our meetings to help us through the campground and moratorium issues.

No action was taken.

MOTION by Mr. Young to approve the minutes of November 9, 2021, as amended.

Second by Mr. Wulsin.

The motion passed 4-1-0.

The motion passed with Mr. Good, Ms. Gott, Mr. Wulsin and Mr. Young in favor, and Mr. Witham opposed.

B. **PUBLIC HEARING:**

i. **Amendment to “FINAL SUBDIVISION PLAN OF LAND OF TIMOTHY H. GOTT & SYLVIA H. GOTT
ROUTE 102 AND RICHTOWN ROAD”**

ii. **AMENDMENT #4 FOR ALDER LANE SUBDIVISION**

Public Hearing opened at 6:08 pm.

Public Hearing closed at 6:09 pm.

6 **OLD BUSINESS:**



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- A. **SUBDIVISION APPLICATION- AMENDMENT TO “FINAL SUBDIVISION PLAN OF LAND OF TIMOTHY H. GOTT & SYLVIA H. GOTT ROUTE 102 AND RICHTOWN ROAD”**
TOM BENSON / DAVID SKULL
123 RICHTOWN ROAD
TAX MAP 005 LOT 052 RESIDENTIAL-BUSINESS ZONE

Finding of Fact

- 1 **MOTION** by Mr. Young to find the Performance Standard for **Pollution** has been met. It meets criteria set forth in our statute on pollution.
Second by Mr. Witham.
The motion passed unanimously.
- 2 **MOTION** by Mr. Wulsin find the Performance Standard for **Sufficient Water** has been met. The proposed amendment will not have any effect on water available for the needs of the subdivision.

Second by Mr. Young.
The motion passed unanimously.
- 3 **MOTION** by Mr. Young to find the Performance Standard for **Municipal Water Supply** is not applicable. There is no municipal water supply available at the premises.
Second by Mr. Wulsin.
The motion passed unanimously.
- 4 **MOTION** by Mr. Wulsin to find the Performance Standard for **Erosion** has been met. The proposed amendment will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water since no clearing is proposed and no new construction is proposed.
Second by Mr. Witham.
The motion passed unanimously.



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- 5 **MOTION** by Mr. Young to find the Performance Standard for **Traffic** has been met. The proposed amendment does not cause any unreasonable highway or public congestion as it's only relocating a property line in the subdivision.
Second by Mr. Wulsin.
The motion passed unanimously.
- 6 **MOTION** by Mr. Young to find the Performance Standard for **Sewage Disposal** has been met. The amendment has an existing subsurface wastewater waste disposal system. It would not increase that impact.
Second by Mr. Wulsin.
The motion passed unanimously.
- 7 **MOTION** by Mr. Young to find the Performance Standard for **Municipal Solid Waste Disposal** is not applicable. There is no municipal solid waste disposal affecting the premises.
Second by Ms. Gott.
The motion passed unanimously.
- 8 **MOTION** by Mr. Young to find the Performance Standard for **Aesthetic, Cultural and Natural Values** has been met. Adjustment of the property line within subdivision will not have adverse effect on natural beauty, historical sites, wildlife habitat.
Second by Mr. Wulsin.
The motion passed unanimously.
- 9 **MOTION** by Mr. Wulsin to find the Performance Standard for **Conformity with Local Ordinances and Plans** has been met. The proposed amendment conforms the duly adopted subdivision regulation or ordinance, comprehensive plan, development plan and land use plan.
Second by Mr. Witham.
The motion passed unanimously.
- 10 **MOTION** by Mr. Witham to find the Performance Standard for **Financial and Technical Capacity** has been met. The applicant already owns the lot for the lot line being relocated.
Second by Mr. Wulsin.



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The motion passed unanimously.

- 11 **MOTION** by Mr. Wulsin to find the Performance Standard for **Surface Waters; Outstanding River Segments** is not applicable pursuant to Title 38. No portion of subdivision is within the watershed of any pond or lake.

Second by Mr. Witham.

The motion passed unanimously.

- 12 **MOTION** by Mr. Wulsin to find the Performance Standard for **Ground Water** has been met. The proposed amendment will not affect the quality or quantity of ground water; existing subdivision, the proposed single family residence would not adversely affect the ground water.

Second by Mr. Young.

The motion passed unanimously.

- 13 **MOTION** by Mr. Young to find the Performance Standard for **Flood Areas** is not applicable in light of fact that no portion of subdivision is in Flood zone, the criteria for Flood Areas is not applicable.

Second by Mr. Witham.

The motion passed unanimously.

- 14 **MOTION** by Mr. Wulsin to find the Performance Standard for **Freshwater Wetlands** has been met. All freshwater wetlands have been identified on the plan submitted as part of the application.

Second by Ms. Gott.

The motion passed unanimously.

- 15 **MOTION** by Mr. Wulsin to find the Performance Standard for **River, Stream or Brook** is not applicable. No river, stream or brook exists within this subdivision so this is not applicable.

Second by Ms. Gott.

The motion passed unanimously.



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- 16 **MOTION** by Mr. Young to find the Performance Standard for **Storm Water** has been met. The proposed subdivision as proposed follows best practices for an adequate storm water management for the future development of the property.
Second by Mr. Wulsin.
The motion passed unanimously.
- 17 **MOTION** by Mr. Wulsin to find the Performance Standard for **Spaghetti-lots Prohibited** is not applicable. No portion of the subdivision is located within the Shoreland zone.
Second by Mr. Witham.
The motion passed unanimously.
- 18 **MOTION** by Mr. Wulsin to find the Performance Standard for **Lake Phosphorus Concentration** is not applicable. No portion of the proposed amendment is located near a great pond.
Second by Mr. Witham.
The motion passed unanimously.
- 19 **MOTION** by Mr. Young that the Performance Standard for **Impact on Adjoining Municipality** ordinances is not applicable as it is not abutting to an adjoining municipality.
Second by Mr. Witham.
The motion passed unanimously.
- 20 **MOTION** by Mr. Wulsin to find the Performance Standard for **Lands Subject to Liquidation Harvesting** has been met. No timber harvest on parcel has occurred.
Second by Ms. Gott
The motion passed unanimously.

MOTION by Mr. Wulsin to approve the amendment #1 to "FINAL SUBDIVISION PLAN OF LAND OF TIMOTHY H. GOTT & SYLVIA H. GOTT, ROUTE 102 AND RICHTOWN ROAD", TOM BENSON / DAVID SKULL, 123 RICHTOWN ROAD, TAX MAP 005 LOT 052 RESIDENTIAL-BUSINESS ZONE, as amended using these Findings of Fact as exhibit.
Second by Ms. Gott



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The motion passed unanimously.

Planning Board Member Beth Gott recused at 6:38 pm from Agenda Item #6.B., due to a recognized conflict of interest.

**B. SUBDIVISION APPLICATION- AMENDMENT #4 FOR ALDER LANE SUBDIVISION
TOM BENSON / COLE MCENROE / RAYMOND MACARI JR
235 KELLEYTOWN ROAD
TAX MAP 007 LOT 015-10 RESIDENTIAL - BUSINESS ZONE**

Finding of Fact

- 1 **MOTION** by Mr. Wulsin to find the Performance Standard for **Pollution** has been met. The proposed amendment will not have any undue effect on water or air pollution based on no new structures are proposed.

Second by Mr. Witham .

The motion passed 5-0.

MOTION by Mr. Wulsin to find the Performance Standard for **Pollution** has been met. The proposed amendment will not have any undue effect on water or air pollution based on no new structures are proposed.

Second by Mr. Young.

The motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 2 **MOTION** by Mr. Wulsin to find the Performance Standard for **Sufficient Water** has been met. The proposed amendment will not have any effect on water available for the needs of the subdivision.

Second by Mr. Witham.

Motion passed 5-0



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MOTION by Mr. Wulsin to find the Performance Standard for **Sufficient Water** has been met. The proposed amendment will not have any effect on water available for the needs of the subdivision.

Second by Mr. Witham.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 3 **MOTION** by Mr. Young to find the Performance Standard addressing **Municipal Water Supply** is not applicable as there is no public water supply available at the subject premises.

Second by Mr. Wulsin.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 4 **MOTION** by Mr. Young to find the Performance Standard for **Erosion** has been met. The proposed changes involve no new clearing and no new construction.

Second by Mr. Wulsin.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 5 **MOTION** by Mr. Young to find the Performance Standard for **Traffic** has been met. The proposed amendment will not cause unreasonable highway or public congestion due to relocating a property line within the subdivision.

Second by Mr. Wulsin.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.



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6 **MOTION** by Mr. Wulsin to find the Performance Standard for **Sewage Disposal** has been met. The test pit locations for suitable subsurface sewage disposal sites are located on the plan that is part of the application.

Second by Mr. Young.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

7 **MOTION** by Mr. Young to find the Performance Standard for **Municipal Solid Waste Disposal** is not applicable as there is no municipal solid waste disposal.

Second by Mr. Witham.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

8 **MOTION** by Mr. Wulsin to find the Performance Standard for **Aesthetic, Cultural and Natural Values** has been met. The proposed amendment will not have an undue adverse effect on the scenic or natural beauty of the area or aesthetics, no historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights of way for physical or visual access to the shoreline exist within the subdivision.

Second by Mr. Young.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

9 **MOTION** by Mr. Wulsin to find the Performance Standard for **Conformity with Local Ordinances and Plans** has been met. The proposed amendment conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan and land use plan.

Second by Mr. Young.



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Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 10 **MOTION** by Mr. Young to find the Performance Standard for **Financial and Technical Capacity** has been met. The applicant already owns the lot with lot line being relocated.

Second by Mr. Wulsin.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 11 **MOTION** by Mr. Wulsin to find the Performance Standard for **Surface Waters; Outstanding River Segments** is not applicable pursuant to Title 38. No portion of this subdivision is within the water shed of any pond or lake.

Second by Mr. Young

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 12 **MOTION** by Mr. Wulsin to find the Performance Standard for **Ground Water** has been met. The proposed amendment will not affect the quality or quantity of ground water; existing subdivision, potential single family residence would not adversely affect the ground water.

Second by Mr. Witham.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 13 **MOTION** by Mr. Young to find the Performance Standard for **Flood Areas** has been met with condition that structures will be constructed at the lowest level including the basement at least one foot (1') above the flood elevation.

Second by Mr. Wulsin.



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Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 14 **MOTION** by Mr. Young to find the Performance Standard for **Freshwater Wetlands** has been met.
Freshwater wetlands have been identified on the plan submitted as required.

Second by Mr. Wulsin.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 15 **MOTION** by Mr. Wulsin to find the Performance Standard for **River, Stream or Brook** is not applicable
because there are no river, stream or brook within or abutting the subdivision.

Second by Mr. Young.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 16 **MOTION** by Mr. Wulsin to find the Performance Standard for **Storm Water** has been met. The
proposed subdivision amendment will follow best practices for adequate storm water management for
any future development, none is proposed at this time.

Second by Mr. Witham.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 17 **MOTION** by Mr. Young to find the Performance Standard for **Spaghetti-lots Prohibited** is not applicable
as no portion of the subdivision is located in a Shoreland Zone.

Second by Mr. Witham

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.



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Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 18 **MOTION** by Mr. Wulsin to find the Performance Standard for **Lake Phosphorus Concentration** is not applicable since no portion of this proposed amendment is located near a great pond.

Second by Mr. Witham.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 19 **MOTION** by Mr. Young that the Performance Standard for **Impact on Adjoining Municipality** is not applicable. The proposed subdivision has no impact on adjoining municipality as it does not abut an adjoining municipality.

Second by Mr. Witham.

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

- 20 **MOTION** by Mr. Wulsin to find the Performance Standard for **Lands Subject to Liquidation Harvesting** is not applicable since no timber harvest has occurred on this parcel.

Second by Mr. Witham

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.

Ms. Gott abstained from the vote due to a recognized conflict of interest.

MOTION by Mr. Wulsin to approve the SUBDIVISION APPLICATION- AMENDMENT #4 FOR ALDER LANE SUBDIVISION, TOM BENSON / COLE MCENROE / RAYMOND MACARI JR, 235 KELLEYTOWN ROAD, TAX MAP 007 LOT 015-10 RESIDENTIAL - BUSINESS ZONE, as amended with these Findings of Fact.

Second by Mr. Young

Motion passed 4-0-1

The motion passed with Mr. Good, Mr. Witham, Mr. Wulsin and Mr. Young in favor.



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Ms. Gott abstained from the vote due to a recognized conflict of interest.

Ms. Gott rejoined the meeting.

7 **NEW BUSINESS**

Pointy Head - Site Plan Review Application

158 Harbor Drive

Tax Map 003 Lot 010-A

Determination of whether application falls into moratorium

MOTION by Mr. Witham to table consideration of Pointy Head - Site Plan Review Application, 158 Harbor Drive, Tax Map 003 Lot 010-A, Determination of whether application falls into moratorium, pending engagement of our counsel to render an opinion on the following:

- A. First; the applicability of the campground versus hotel, motel, cabins, cottages provisions in the Land Use Ordinance.
- B. Secondly; with respect to the applicability and binding effect of the prior opinion of the Appeals Board, 7/18/2019, on anything we do.
Second by Ms. Gott.
The motion passed unanimously.

8 **CEO ISSUES: NONE**

9 **OTHER:**

A. **PLANNING BOARD MEETING SCHEDULE**

MOTION by Mr. Wulsin to approve the 2022 Planning Board Meeting Schedule as submitted by Code Enforcement Office Larson.
Second by Mr. Witham.
The motion passed unanimously.



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B. **Suggestions for changes to campground standards**

MOTION by Mr. Young to request the Selectboard to retain planner or attorney to help us go through the process of campground issues as relates to zoning.
Second by Mr. Wulsin.
The motion passed unanimously.

10 **SET DATE FOR NEXT MEETING: SUGGESTED JANUARY 11, 2022**

MOTION by Mr. Wulsin to schedule the next meeting for January 11, 2022, at 6 pm via Zoom, following the Public Hearing.
Second by Ms. Gott.
The motion passed unanimously.

12 **ADJOURN**

MOTION by Mr. Young to adjourn the meeting.
Second by Mr. Witham.
The motion passed unanimously.
The meeting was adjourned at 8:14 pm.

Respectfully Submitted,
Jan Sprague
Recording Secretary

Signed as approved:

Mark Good, Chair
Planning Board, Town of Tremont

Date